

Attorney Docket No.: **UMD-0103**
Inventors: **Ira B. Black**
Serial No.: **10/533,355**
Filing Date: **August 1, 2005**
Page 4

REMARKS

Claims 1-4 are pending in this application. No new matter has been added. Applicant is respectfully requesting reconsideration of the restriction requirement in view of the following remarks.

The claims of the present application have been subjected to a Restriction Requirement under 35 U.S.C. §121 and §372. The Examiner suggests that restriction of the present invention into the following groups is required:

Group I, claims 1-2, drawn to methods for modulating synaptic growth or plasticity comprising increasing the expression of BDNF-inducible nucleic acids through BDNF; and

Group II, claim 3, drawn to a method for identifying an agent which increases synaptic growth or plasticity comprising contacting a test cell with the agent; and

Group III, claim 4, drawn to methods for treating a disease associated with damaged or diseased synapses comprising administering an agent identified from method II.

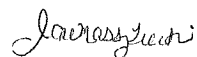
The Examiner suggests that the inventions listed as Groups I-III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons: Barde et al. (U.S. Patent No. 5,180,820) teach a method of treating neural tissue with BDNF, which reasonably meets the claim limitations. It is suggested that no special technical feature exists for Group I as defined by PCT Rule 13.2, because it does not define a contribution over the prior art. Applicant is required to elect one of the Groups to be examined.

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Page 5

Applicant respectfully disagrees with this restriction requirement. In particular, Applicant respectfully submits that a search of the relevant prior art for the method of Group II, which identifies agents, would inherently provide the intended use of said agents and hence the method of Group III. Therefore, no serious burden would be put upon the Examiner in search and examining together the claims of Group II and Group III. Accordingly, reconsideration of this restriction requirement is respectfully requested.

However, in an earnest effort to be completely responsive, Applicant hereby elects to prosecute Group II, claim 3, drawn to a method for identifying an agent which increases synaptic growth or plasticity comprising contacting a test cell with the agent, with traverse.

Respectfully submitted,



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